IN THE HIGH COURT OF JUDICATURE AT BOMBAY

O.O.C.J.

SUIT NO.1769 OF 2004

...

Mr.Nikhil Nityanand Wagle
and ors. ...Plaintiffs

v/s.

Mrs.Asha Wagle & ors. ...Defendants

...

Mr.Satish Maneshinde with Ms.N.S.Nappianai for the Plaintiffs.
Ms. Anita Castelino for Defendant No.1.
Mr.Vijay Pradhan i/b N.K.Pandya for Defendants Nos. 2 & 3.
Mr.Behram Shroff , AGP for Defendants Nos. 4 & 5.
Mr.S.S.Deshmukh for Defendant No.7.

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CORAM: D.K.DESHMUKH, J.

DATED: 2ND DECEMBER,2005

P.C.:

1. Consent terms between the Plaintiff No.1, Plaintiff No.3, Defendant No.1 and the newly added Defendant No.7 were filed by the parties. They were taken on record by order dated 14th October, 2005. At that time, the consent terms were not signed by the Defendant No.7. Now, copy of the same consent terms signed by the Defendant No.7 is also produced. It is taken on record and marked as Exh."Z". By consent of parties, who have signed the consent terms, paragraph 2 of the consent terms is modified to the following extent.

"Plaintiff No.1, Plaintiff No.3, Defendant No.1 and Defendant No.7 agree to refer the dispute in the suit to the arbitral tribunal. Plaintiff No.1, Plaintiff No.3 and Defendant No.7 appoint Hon’ble Mr.Justice S.N.Variava (Retd.) as their nominee on the arbitral

tribunal. Defendant No.1 appoints Hon’ble Mr. Justice S.K. Desai as his nominee on the arbitral tribunal. These two learned arbitrators shall appoint the third arbitrator who will be the Chairman of the arbitral tribunal."

2. In view of the consent terms at "Z" suit is disposed of. The suit in so far as it is filed by Plaintiff No.2 is permitted to be withdrawn on a request made by the learned counsel appearing for the Plaintiff. Suit as against the Defendant No.2 to 6 is dismissed as withdrawn by the Plaintiff.

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